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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                     | CONFIRMATION NO.       |
|---|-------------|----------------------|---|------------------------|
| 10/781,649  | 02/20/2004  | Takaharu Ishida      | 056203.53264US                          | 3459                   |
| 23911 7590 07/03/2008<br>CROWELL & MORING LLP<br>INTELLECTUAL PROPERTY GROUP<br>P.O. BOX 14300<br>WASHINGTON, DC 20044-4300 |             |                      | EXAMINER<br>VANDERHORST, MARIA VICTORIA |                        |
|   |             |                      | ART UNIT<br>3688                        | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>07/03/2008                 | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/781,649

**Applicant(s)**

ISHIDA ET AL.

**Examiner**

M. VICTORIA VANDERHORST

**Art Unit**

3688

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7 and 11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 5/08/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Status of Claims**

This communication is in response to application 10/781,649, filed on 05/08/2008.

Claims 1-6, 8-10 and 14 have been canceled.

Claims 7 and 11-13 have been amended.

Claims 7 and 11-13 are presently pending in the application.

### **Examiner's Note**

1. Regarding to **claim 7**, although the claim recites "recording media on which in-vehicle announcements are recorded", however, the Examiner notes that a single "recording medium" is enough to perform the related function (record the announcements). What is important here is the capacity or the size of the "record medium", not the number as one of ordinary skill in the art would have concluded.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 7, 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6,006,159 Schmier et al.

**As to claim 7**, Schmier discloses an on-board advertising system in which advertising data are received through communication, and advertising is displayed in a public transportation vehicle on a basis of the received advertising information, said on-board advertising system comprising:

an advertising display unit that displays at least one piece of advertising (Schmier's system comprises different kind of addressable and non addressable display devices to display information related to the passenger information system and local advertisement , Abstract, Col. 3:24-29, Col. 5:25-32);

an exit notifying button, provided in said vehicle, operable by a passenger (Schmier's system comprises addressable display devices for passengers, mounted on or in the moving transit vehicles, located to be in easy view of passengers. Second, addressable display devices such as individual displays i.e. Pager, notebook, PDA, phone etc. In any of the two previously mentioned scenarios, these devices have "means" (such a keyboard, buttons, keys, etc ) that can be pressed (input) to start displaying advertising messages related to the next stop (Col. 5:66-67, Col 6:1-20, Col. 5:11-17, Col. 6:53-61). Further, these display devices inform about upcoming street, stops, advertising, etc along with civic notices , institutional advertisement, etc (Col 5:49-55));

a storage that stores the advertising data received from an advertiser (Schmier's system comprises an historical transit data table that

contains advertising among other vehicle schedule data, claim 1 of Schmier's reference, abstract, Col. 4:29-46);

recording media on which in-vehicle announcements are recorded (Schmier's system comprises the transit data table to storage the announcements, Col. 7:32-35);

an input button, provided in said vehicle, that initiates an in-vehicle announcement (Schmier's system comprises addressable display devices for passengers, mounted on or in the moving transit vehicles, located to be in easy view of passengers. Second, addressable display devices such as individual displays i.e. Pager, notebook, PDA, phone etc. In any of the two previously mentioned scenarios, these devices have "means" (such a keyboard, buttons, keys, etc ) that can be pressed (input) to start displaying announcements in general and messages related to the next stop (Col. 5:66-67, Col 6:1-20, Col. 5:11-17, Col. 6:53-61). Further, these display devices inform about upcoming street, stops, advertising, etc along with civic notices , institutional advertisement, etc (Col 5:49-55);

wherein said advertising display unit displays general contents in advance of reproduction of one of the in-vehicle announcements (Col. 14:57-67), and when said input button is depressed reproduction of one of the in-vehicle announcements from said recording media is initiated (Schmier's system comprises addressable display devices that have means to interrogate the transit data table and provide information and advertising about the next stop, Col. 6:3:20, Col. 14:57-67),

wherein, when said a exit notifying is depressed, said advertising display unit changes its display from said general contents to retrieved data corresponding to a next stop (), which is retrieved from among said advertising data stored in said storage based on a number of depressions of said input button

(In **Schmier's system** a display module retrieves the transit data table from the central processor and shows it on the display module (**Col. 11:55-65, Figs. 1 and 6**). The transit data table storages, among other data, vehicle stops (**Col. 4:22-53**), also the central processor has capability to construct from the transit data table and the tables of information messages, the messages directed to the unique locations (**Col 4: 61-67, 5:1-2**). Further, Schmier's teaches that those messages are displayed each time that the exit notification button (means to interrogate the transit data table) is pressed by an user in his/her display module (**Col. 5:9-17, Col 5:33-38**)).

**As to claim 11**, Schmier's system discloses an on-board advertising, wherein information about at least one of arrival time of the host vehicle as a public transportation facility (**Schmier's system teaches that his system contains a transit data table in the central processor. Further, "for example, in the form of transit data tables which include the predicted arrival time of each transit vehicle operating in the system..."**, **Col. 4 :22-46**), transfer information (**connecting transit lines, Col.2:34-48**), music data, video image data, and picture data is displayed on said advertising display unit if no advertising information from said advertiser is displayed (**Col. 5:39-55**)).

**As to claim 12**, Schmier's system discloses a system wherein said on-board advertising system is provided with a plurality of advertising display units (Col. 3:24-29, Col. 5, 33-38), and the plurality of advertising display units display the advertising information with a time difference (implicitly Schmier discloses the time difference, since each user may input (means to interrogate the transit data table, Col. 5:11-17) the addressable display device in any time before the next stop(Col. 6:3-20)).

**As to claim 13**, Schmier's system discloses an on-board advertising system wherein said advertising information to be displayed in the host vehicle is changed according to traveling time zones of the host vehicle (Schmier elaborates that in his system "the vehicle status and other information, including news and advertisements are then made available for public access in a manner geared to the locations of the vehicles, the time of day, day of week, date, location, season, holiday, weather etc.", Abstract. Further, his system works with real time capability, "It relates in particular to a passenger information system for providing near real time prediction of arrival times of public transit vehicles at selected boarding or disembarkation points.", Col. 1:10-15. Further more, Schmier indirectly teaches that his system is adapted for selecting stored messages for broadcast based upon the location and speed of the vehicle, Claim 8 of Schmier's reference. Schmier further, elaborates that his system can select advertising messages suitable to the time arriving and the location, Col 6:3-20).

***Response to Arguments***

4. The information disclosure statement (IDS) submitted on 05/08/2008. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.
5. The rejection of claims 2, 3, 4, 6-14, 9 and 10 under 35 U.S.C 112, second paragraph has been withdrawn because the applicants have canceled claims 1-6, 9-10 and 14, and applicants amended the claims 7, 11-13 on 05/08/2008.
6. Applicant's arguments filed 05/08/2008 regarding the rejection of amended claims 7, 11-13 under 35 U.S.C 102(b) have been fully considered but they are not persuasive.
7. Applicants argue that Schmier does not disclose or suggest an advertising display unit displaying general content in advance to an in-vehicle announcement . The examiner disagrees with applicant because Schmier's system discloses the different kinds of information available such as "availability of seats on arriving vehicles, status information related to the location of a particular transit vehicle or vehicles, and by providing non-status information such as public announcements, news briefs and advertisements", (Col 2:64-67, Col 3:1-10) via a wide variety of displays and other access devices (Col. 3:25-30).
8. Applicants argue that Schmier does not disclose or suggest that when the exit notification button is depressed the display unit changes its display from general content



to retrieve data corresponding to next stop. The examiner disagrees with applicant because Schmier elaborates two different scenarios where the limitation “an input button provided in the vehicle that initiates an in-vehicle announcement “ is mentioned.

First of all, Schmier's system comprises addressable display devices for passengers, mounted on or in the moving transit vehicles, located to be in easy view of passengers. Second, addressable display devices such as individual displays i.e. Pager, notebook, PDA, phone etc. In any of the two previously mentioned scenarios, these devices have “means” (such a keyboard, buttons, keys, etc ) that can be pressed (input) to start displaying advertising messages related to the next stop (Col. 5:66-67, Col 6:1-20, Col. 5:11-17, Col. 6:53-61). Further, these display devices inform about upcoming street, stops, advertising, etc along with civic notices , institutional advertisement, etc (Col 5:49-55).

9. Applicants argue that Schmier does not disclose or suggest that advertising is retrieved from advertising data stored in storage based on number of depressions of input button. The examiner disagrees with applicant because Schmier discloses that one specific operating mode of his system has capability for displaying information for a passenger that enters a desired route code into a display module. The display module retrieves the transit data table from the central processor and shows it on the display module (**Col. 11:55-65, Figs. 1 and 6**). The transit data table storages, among other data, vehicle stops (**Col. 4:22-53**), also the central processor has capability to construct from the transit data table and the tables of information messages, the messages directed to the unique locations (**Col 4: 61-67, 5:1-2**). Further, Schmier's teaches that

those messages are displayed each time that the exit notification button (means to interrogate the transit data table) is pressed by an user in his/her display module (Col. 5:9-17, Col 5:33-38)).

### **Conclusion**

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **M. VICTORIA VANDERHORST** whose telephone number is (571)270-3604. The examiner can normally be reached on regular.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571 272 6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. V./  
Examiner, Art Unit 3688

/Raquel Alvarez/  
Primary Examiner, Art Unit 3688